

08 CV 0014

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BUNGE S.A.;

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Plaintiff,

:

Index No.:

08 CV _____ ()

- Against -

:

METALL UND ROHSTOFF SHIPPING AND
HOLDINGS B.V.;

Defendant.

:

LELAND AFFIRMATION
PURSUANT TO RULE (B)

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I, Kipp C. Leland, hereby affirm as follows:

1. I am an associate with Hill Rivkins & Hayden LLP, attorneys for Plaintiff herein and admitted to practice before this Honorable Court.
2. This Affirmation is submitted pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

3. Based upon the results of my investigation as set forth herein, I am firmly convinced that the defendant, Metall Und Rohstoff Shipping and Holdings B.V. (hereinafter “MUR”), is a corporation or other business entity which cannot be “found” within this District for the purpose of an attachment under Rule B.
4. I contacted the office of the New York Department of State, Division of Corporations on August 5, 2008, via the official Department of State website at <http://www.dos.state.ny.us> and conducted a search for a corporation named Metall Und Rohstoff Shipping and Holdings B.V. The search result indicated that this defendant is not listed as a New York corporation, nor is it licensed, authorized or registered to do business in the State of New York as either a domestic or foreign corporation.
5. I consulted with Directory Assistance for New York on August 5, 2008, for area codes (212), (718), (914), (646), and toll-free listings, and no listing for Metall Und Rohstoff Shipping and Holdings B.V. was found.
6. I accessed on August 5, 2008, through the internet, the Yellow Pages telephone directory database (yellowpages.com) and found no listing in that database for any office or agent of Metall Und Rohstoff Shipping and Holdings B.V. in the State of New York.

7. I accessed the Google search engine and conducted a search for Metall Und Rohstoff Shipping and Holdings B.V. I found a website maintained by Dominion Bulk International S.A. The website did not list any company offices in the United States.
8. Based upon the foregoing, it is respectfully submitted that defendant Metall Und Rohstoff Shipping and Holdings B.V. cannot be “found” within this District within the meaning of Rule B, thus justifying issuance of an order of attachment against the assets of defendant as may be found within this District up to and including the amount of the claim as specified in the Verified Complaint.

I hereby affirm under the penalty of perjury that the foregoing is true and correct.

Dated: August 6, 2008



Kipp C. Leland